

### **REMARKS/ARGUMENTS**

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

The examiner rejects claims 4 and 5 in view of US5810851. This document discloses a guide for positioning a suture spring device, which includes a hollow, tubular body of coiled configuration defining a plurality of connected coils or rings with a predetermined radius of curvature and a predetermined axial spacing therebetween. Whereby by "suturing" is meant the practice of approximating, occluding or attaching anatomical tissue by joining opposed tissue surfaces or edges together or by attaching devices such as surgical mesh to the tissue (see column 5, lines 55 to 58).

As opposed to this device, the present invention concerns surgical means for cosmetic surgery rather than for suturing, wherein the surgical means in accordance with the present invention includes a puncture needle rather than a guide including a hollow, tubular body of coiled configuration with a slot along an outer peripheral edge of its body. The guide in accordance with the '851 document is not comparable with the puncture needle mentioned in claim 5 of the present application because of the following two reasons, namely:

1. The guide according to the '851 document includes a slot 48 (see fig. 1) along an outer peripheral edge of its body communicating between the outer surface 50 of the guide and the lumen, wherein the slot 48 is V-shaped in transverse cross-section and somewhat narrower in width than the diameter of the spring body to allow knob 34 of the suture spring device to slide along the slot (see fig. 1 and column 6, lines 51 to 61). Such a guide cannot be used as a puncture needle according to the present invention. The

advantage of the present invention is just the use of a conventional puncture needle.

2. The guide according to the '851 document includes a tubular body 36 of coiled configuration defining a series of connected rings or coils 38 of generally circular configuration between a proximal end 40 and a distal end 42 (see column 6, lines 38 to 41). However, such a coiled guide cannot be compared with a puncture needle claimed in the present application.

Further, in accordance with claim 5 of the present application, the thread is tightly wound around the needle, whereas in accordance with the '851 document the suture spring device 22 is arranged within the guide 24 (see e.g., fig. 1).

Furthermore, from the '851 document, it is not known that the helix-shaped thread is fastened at its front end to a sharp end of the puncture needle as stated in claim 5 of the present application. To the contrary, the '851 document discloses that the suture spring device 22 is inserted into the guide 24 with its distal end 32 into an open proximal end 40 of the guide and screwing the suture spring device lengthwise into the lumen of the guide in a clockwise direction. A knob 34 in the form of a ball is used for sliding the suture spring device along the slot (see e.g., figs. 1 to 10).

Following, the above mentioned features of claim 5 of the present application is not anticipated or obvious from the cited '851 document.

The same is true for claim 6 of the present application, because the '851 document does not disclose that the helix-shaped thread is fastened in the opening of the puncture needle with a gap between the diameter of the helix and the inner wall of the needle of the order of 0.2mm to 2mm, because

in the '851 document the suture spring device 22 is arranged longitudinal to the guide 24 (see e.g., fig. 1).

The claims have been amended to set forth that the puncture needle is a rectilinear puncture needle in order to further distinguish over the guide of the '851 patent. It is respectfully submitted that claims 5-9, as amended, patentably define over US Patent 5810581 and the early issuance of a Notice of Allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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